

same day did assign to him, Griffith, his life policy with the Baltimore Life Insurance Company, and also executed to him, under said agreement, the two first mortgages alluded to in the bill. He further states, that he did not record these mortgages, because of the confident expectations expressed by Schley, and believed by him, that the notes would be retired at maturity, and from his, Griffith's, belief that he could, without risk to himself, or injury to any one, gratify the wish expressed by Schley, that they should not be recorded until there had been some default on his part: but he denies any agreement between them then, or before, or thereafter, to withhold them from record, or keep them secret, or that he knew or suspected that Schley had any other motive for desiring this, except that of avoiding the mortification arising from the discovery of his temporary embarrassments, and that his confidence in Schley's character and professional attainments assured him, that there could be nothing connected with Schley's pecuniary situation to make it improper for Schley to ask, or improper or hazardous for him to grant it; that he believed the aid he then gave would relieve Schley from pressure, and had not the most distant cause for suspecting that Schley desired them to be retained, to sustain unduly his credit.

He further admits, that on the 16th of April, 1845, the bill of sale was renewed; that on the 21st of April, 1845, at Schley's instance, he indorsed for Schley two other notes, for \$2000 each, at six and eight months, for which Schley gave him a mortgage on his Alleghany lands, which he soon after put upon record as he had a right to do; and that supposing Schley's request was chiefly prompted by his great desire to keep the bill of sale of his personals from record in the city where he resided, he would sufficiently gratify him by keeping this from record, as he did until June, 1846, when he first heard of the extent of his embarrassments, and believed the enrollment necessary.

He further states, that on the 4th of September, 1845, Schley wanted further aid, and that he, still confiding in his perfect and undoubted solvency, and actuated only by his friendship for Schley and desire to extricate him from his embarrassments,